

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA – MACON DIVISION**

IN RE:

BARBARA ONEILL ROSS,

Debtor.

Case No. 17-52737

Chapter 13

RESPONSE TO MOTION TO DETERMINE VALIDITY OF PAYMENT CHANGE

U.S. Bank Trust National Association as trustee for Brackenridge Mortgage Trust (“Creditor”), by and through undersigned counsel, files this *Response to Motion to Determine Validity of Payment Change*, and states as follows:

1. Respondent is the holder of a loan secured by a property in which the Debtor has an interest. The property is located at 5178 Sand Hill Circle Norther, Lizella, GA 31052. (the “Real Property”).
2. On December 7, 2022, Creditor filed a payment change notice pursuant to Rule 3002.1 noting that the escrow portion of the monthly mortgage payment was changing from \$561.68 to \$622.00 effective with the January 1, 2023 monthly mortgage payment (“Payment Change Notice”).
3. On January 5, 2023, the Debtor filed a Motion to Determine Validity of Payment Change (“Debtor’s Motion”) asserting that she has obtained her own insurance policy for the subject property. The proof of insurance was not attached to the Debtor’s Motion.
4. Respondent has not been contacted by the Debtor advising that she wishes for the escrow to be revised to exclude the payment of insurance nor has she provided proof that insurance is maintained.
5. Respondent acknowledges that if in fact proof of insurance is provided it will revise

its escrow accounting to reflect same.

WHEREFORE, Respondent prays that the Court determine that the Payment Change noticed is valid pending the Debtor's provision of the proof of insurance for the Real Property and for such other and further relief as is just and equitable.

Dated: February 2, 2023

Respectfully submitted,

ALDRIDGE | PITE, LLP

/s/ Josephine E. Salmon

Josephine E. Salmon (SBN 945934)

jsalmon@aldridgepite.com

Aldridge Pite, LLP

Six Piedmont Center

3525 Piedmont Road, N.E.

Suite 700

Atlanta, Georgia 30305

Phone: (404) 994-7400

Fax: (888) 873-6147

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Response to Motion to Determine Validity of Payment Change* was served electronically or via U.S. Mail, first-class postage prepaid, to:

Barbara Ross Oneil
5178 Sand Hill Cir N
Lizella, GA 31052-4743

Daniel Lewis Wilder
Law Offices of Emmett L. Goodman, Jr.
544 Mulberry Street
Suite 800
dwilder@goodmanlaw.org

Camille Hope
Office of the Chapter 13 Trustee
P.O. Box 954
Macon, GA 31202
docomt@chapter13macon.com

U.S. Trustee - MAC
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201
Ustp.region21.mc.ecf@usdoj.gov

Dated: February 2, 2023

/s/ Josephine E. Salmon
Josephine E. Salmon (SBN 945934)
jsalmon@aldridgepite.com
Aldridge Pite, LLP
Six Piedmont Center
3525 Piedmont Road, N.E.
Suite 700
Atlanta, Georgia 30305
Phone: (404) 994-7400
Fax: (888) 873-6147